



Martin D. Koczanowicz

David P. Hale

May 17, 2016

County of San Luis Obispo
Planning Commission
Planning and Building Department
976 Osos Street
Room 200
San Luis Obispo, CA 93408

Re: PLC 23/2016; Vadnais DRC 2015-00047, Development Plan/Coastal Development Permit.

Dear Planning Commission Members:

Our firm has been engaged by Dr. John Morrison related to the above referenced project. Dr. Morrison is one of the residential residents immediately adjacent to this subject operation and has been struggling for some time with what appears to be consistent and flagrant violations of code and local ordinances in its operation.

Attached to this submittal and incorporated herein by reference is the letter provided to the Commission on behalf of Dr. and Mrs. Morrison, last time the item was discussed by the Commission. The issues raised in that submittal remain unresolved and it is our contention that the Planning Commission lacks the authority to approve the request as recommended by staff. The single most important reason is that once the proposed site exceeds 200 square feet, under County's own code and General Plan Land Use designation, it becomes a Recycling and Scrap use, not a Recycling Collection Facility. Under the County's own code, Recycling and Scrap uses are not allowed uses adjacent to residentially zoned property as is the case here.

At the last Planning Commission meeting the item was continued and staff and applicant were directed to identify other potential sites for the Recycling Center. As of the time of this submittal, we are not aware of any progress in that regard. Contacts with Cambria Community Services District have not, to date, brought any results.

The current use consists of a 160 square foot storage container enclosed by a wood panel façade, a 96 square foot storage shed and a 67 square foot awning cover. The staff report continues to state that the subject facility encompasses approximately 550 square feet. Significantly in excess of the allowable square footage for a Recycling Collection Station as defined is 23.08.098 which specifically defines the land use element requirements for Recyclable Collection Stations. Subsection (a) states that establishment of a Recyclable Collection Station requires the issuances of a Minor Use Permit, not a Development Plan. Further, and more importantly, subsection (f), (Design Standards) subdivision (3) states that a Recycling Collection Station **"is to be no larger than 100 square feet."**

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Section [D20] of the definition section of Coastal Table O defines Recycling and Scrap as follows:

Establishment primarily engaged intemporary storage and distribution of recyclable or reusable scrap and waste materials,...Also includes *any* storage of such materials in an area larger than 200 square feet or higher than six feet.

Planning Staff is apparently of the opinion that a Recycling Collection Station can be in approved in excess of 100 or 200 square feet. The County's own Land Use Element clearly states that any storage of recycling materials in an area greater than 200 square feet, changes the use to a Recycling and Scrap use, which is not permitted in the Commercial zone, applicable to this site. As set out in greater detail in the attached submission from the March meeting, there is simply no process which would lawfully allow the Planning Commission to override the provisions of the County's Land Use Element and approve this project as proposed. At minimum a General Plan amendment and zoning change would need to be processed in order to allow for a Recycling and Scrap facility to operate in this shopping center.

The reasons for the size restrictions in the County Land Use element and Codes are obvious. Once the operation becomes larger in size the impacts become greater and need to be environmentally evaluated. Applicant testified at the last meeting that he cannot prevent or control the trash or people leaving debris at the center while it is closed. He further stated that he has to crush the recyclables in order to be able to transport them efficiently. The glass and the cans are crushed with a hammer. That creates an offensive amount of noise to the property owned by our clients which is located less than a 100 feet away. Such effects need to be evaluated under CEQA and cannot be ignored by ministerial approval of a Minor Permit. The noise level is also likely a violation of the County's noise ordinance and our clients will provide further testimony about the effects that the current operation has on their everyday life.

In conclusion, Dr. and Mrs. Morrison recognize the importance of having a recycling facility in this area. Such facilities are an important part of preservation efforts. However, they do not condone what appears to be an attempt to legitimize a use that has grown in size and impacts beyond what is allowed by code. There is a history of attempted enforcement by the County Code Enforcement division, as it has been long recognized that the operation was illegal. These enforcement efforts were discontinued and instead staff is supporting allowing the use to exist under a pretense of compliance with the code.

County of San Luis Obispo
Planning Commission
May 17, 2016
Page 3

The Planning Commission needs to deny this application and staff needs to enforce compliance with the code by either relocation of the facility or downsizing it to 100 square feet, without any processing.

Respectfully submitted,

KOCZANOWICZ & HALE

A handwritten signature in dark ink, reading "Martin D Koczanowicz/mt". The signature is written in a cursive, flowing style.

Martin D. Koczanowicz